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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91209807
Party	Plaintiff KCD IP, LLC and Sears Brands, LLC
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Submission	Motion to Suspend for Settlement Discussions
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Date	07/05/2013
Attachments	Motion to Suspend 7-5-13.pdf(14282 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In Re Application of:

Tandy Leather Factory, Inc.

Serial No. 85/590,913

Filed: April 6, 2012

Trademark: CRAFTSMAN

Published: September 18, 2012

Opposition No. 91209807

KCD IP, LLC *et al.*

Opposer

v.

Tandy Leather Factory, Inc.

Applicant

CORRECTED MOTION FOR SUSPENSION FOR SETTLEMENT

Opposer files this motion to correct an inadvertent error in its original motion. A comparison of the motion to suspend filed on July 3 with the similar motion to suspend filed on June 26 shows that the only substantive change, other than to update the dates, was to remove language that Applicant consented to the motion. (*See, e.g.*, removing the phrase “With Consent” from the title and deleting the last sentence, which stated that Applicant consented to the motion.) From these changes, it is clear that Opposer did not attempt to “dupe” anyone or act in bad faith. Opposer did, however, inadvertently did not change the phrase “the parties request that . . .” to “ the Opposer requests . . .” The undersigned apologizes for any

inconvenience that this may have caused. To be clear, Opposer filed its motion without the consent of the Applicant.

Nevertheless, this does not in any way change the fact that a suspension is particularly appropriate in this case. Opposer sent Applicant a signed settlement agreement on July 2. On July 3, Applicant requested a slight modification to a single sentence of the agreement. While it is likely that the proposed change will be acceptable to Opposer, the relevant corporate representative left for the holiday on July 2 and will not return until next week. Given that the parties have likely finalized an agreement that will resolve this dispute, and only need to complete the formality of collecting signatures on the agreement – something that will be done once the relevant person is back in the office – there is simply no reasonable basis for requiring the parties to incur costs in proceeding with this matter.

As such, Opposer requests that the current proceedings be suspended for thirty days so that the parties may finalize the settlement agreement.

As noted in the original motion, which was timely filed, the next deadline in this proceeding was the July 3 deadline for Opposer to serve its initial disclosures. Opposer requests that this deadline be extended until August 2, 2013.

Respectfully submitted,

Dated: July 5, 2013

/s/ Ronald H. Spuhler
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CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2013, a copy of the foregoing **MOTION FOR SUSPENSION FOR SETTLEMENT** was served upon Applicant by electronic mail.

/s/ Ronald H. Spuhler